

# MEMORANDUM

Agenda Item No. 11(A)(3)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

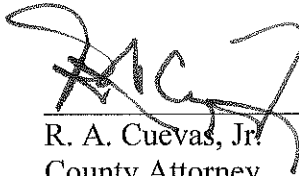
**DATE:** February 18, 2015

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact Legislation  
directing the Florida Building  
Commission to amend the  
Florida Building Code to prohibit  
high voltage underwater lighting  
in residential swimming pools

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm




# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(3)

2-18-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION DIRECTING THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS; URGING THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS

**WHEREAS**, there have been reports of swimming pool electrocutions throughout the state; and

**WHEREAS**, faulty underwater lighting and improperly maintained electrical wiring are some causes of electrocution; and

**WHEREAS**, low voltage underwater lighting helps reduce the risk of electrocution in swimming pools; and

**WHEREAS**, the Florida Building Code currently restricts high voltage underwater lighting in public swimming pools, but does not address residential swimming pools; and

**WHEREAS**, on October 7, 2014, this Board passed Ordinance No. 14-95, which provides a local technical amendment to the Florida Building Code to require low voltage lighting in newly built residential pools, and for permitted construction work on existing residential pools; and

**WHEREAS**, on November 4, 2014, the Florida Building Commission legally adopted the local technical amendment into the current edition of the Florida Building Code; and

**WHEREAS**, this Board must recertify the local technical amendment so that it is legally adopted into the next edition of the Florida Building Code; and

**WHEREAS**, the next edition of the Florida Building Code will be published on June 30, 2015, but will remain silent on a statewide prohibition of high voltage underwater lighting in residential swimming pools; and

**WHEREAS**, as a result, all counties and municipalities that have not enacted their own local technical amendments to the Florida Building Code will be governed by a building code that allows high voltage underwater lighting, which could result in more electrocutions; and

**WHEREAS**, pursuant to section 553.73, Florida Statutes, the Florida Building Commission must update the Florida Building Code every three years, which means that the prohibition on high voltage underwater lighting would not be considered or implemented until 2018; and

**WHEREAS**, section 553.73, Florida Statutes, however, grants the Florida Building Commission the authority to amend the Florida Building Code once each year for statewide application, under certain circumstances; and

**WHEREAS**, this may occur if the amendment:

- (1) is needed to accommodate the specific needs of the state;
- (2) has a reasonable and substantial connection with the health, safety, and welfare of the general public;
- (3) strengthens or improves the Florida Building Code;
- (4) does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities; and
- (5) does not degrade the effectiveness of the Florida Building Code; and

**WHEREAS**, an amendment prohibiting high voltage underwater lighting in residential swimming pools substantially relates to the health, safety, and welfare of Florida residents and would strengthen the Florida Building Code; and

**WHEREAS**, the Florida Legislature has the power to enact legislation directing the Florida Building Commission to amend the Florida Building Code outside of the requirement to produce an updated edition of the code every three years; and

**WHEREAS**, this Board would like to urge the Florida Legislature to enact legislation directing the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools, and urge the Florida Building Commission to amend the code in such a manner,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact legislation directing the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools.

**Section 2.** Urges the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 and for the administrative action set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

APP

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